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10/763,599	01/23/2004	Carl J. Tesavis	87278NAB	7714

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Patent Legal Staff
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Rochester, NY 14650-2201

EXAMINER

WORKU, NEGUSSIE

ART UNIT	PAPER NUMBER
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2625

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12/06/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/763,599

Applicant(s)

TESAVIS ET AL.

Examiner

Negussie Worku

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date See Attachment.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This is a response to the application filed on January 23, 2004, in which, claims 1 through 15 are pending. Claims 1 and 13 are independent and claims 2-12 and 14-20 are dependent.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on May 23, 2005, have been reviewed. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

Specification

3. **Objection to the abstract:** Applicant is reminded of the proper language and format for an abstract of the disclosure. In the first line of the Abstract, "a scanner comprises" should be changed to "scanner includes". Numbering the claimed element is not a proper within (USP) application filing practice. Correction is required.

Further, the abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The

abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitomi (USPN 6640082) in view of Rapkin et al. (USP 6,657,754).

With regard to claim 1, Mitomi (082) teaches a scanner (as shown in fig 1 and 2) comprising: a transport system for transporting a document through said scanner (automatic document feeder 2 as seen in fig 1 and 2, for moving the document to be read through a scanner 10 of fig 1); a first removable image guide (removable guide 39 of fig 6) on a first side of said document (removable guide 39 is being positioned on the side of the document to be read, as shown in fig 6); a camera (image sensor 10 of fig 6) for capturing an image of said document as it passes below said image guide (as the document transported below the image guide 39 as the image scanned capture the image by image scanner 10 of fig 2, as shown in fig 5 and 6, and discussed in col.5, lines 20-25).

Although Mitomi (082) shows removable image guide (as seen in fig 6 and 7), fails to teach incorporating first upgrade feature [wiper] with removable image guide.

Rapkin (754) in the same area of scanner and copiers including document feeding and transporting mechanism, teaches incorporating first upgrade feature [wiper] with removable image guide, (when the scanner is reset, a wiper bar 30 of fig 1 rests on the scanner glass slit 2 of fig 1, by incorporating to document guide shown in fig 1 and 3, see col.1, paragraph 0014).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the imaging system of Mitomi (082) to include: first upgrade feature [wiper] with removable image guide.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified imaging system of Mitomi (082) by the teaching of Rapkin (754), the purpose of doing so is that for obtaining an image scanning device that includes a wiper bar or a paper dust cleaner device, to wipe or clean the scanning glass as the document move across the platen glass.

As to claim 2, Mitomi (082) dose not teach or disclose wherein said first upgrade feature is a wiper.

Rapkin (754) in the same area of scanner and copiers including document feeding and transporting mechanism, teaches incorporating first upgrade feature [wiper] with removable image guide, (when the scanner is reset, a wiper bar 30 of fig 1 rests on the scanner glass slit 2 of fig 1, by incorporating to document guide shown in fig 1 and 3, see col.1, paragraph 0014).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the imaging system of Mitomi (082) to include: first upgrade feature [wiper] with removable image guide.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified imaging system of Mitomi (082) by the teaching of Rapkin (754), the purpose of doing so is that for obtaining an image scanning device that includes a wiper bar or a paper dust cleaner device, to wipe or clean the scanning glass as the document move across the platen glass.

As to claim 3, Mitomi (082) in view of Rapkin (754) teaches the claimed limitation as applied in claims 1 and 2, except for scanner wherein said first upgrade feature is an additional thickness of said first removable image guide. Since such a modification would have involved a mere change in the size of a component. It would have been an obvious matter of design choice to have additional thickness on the upgraded image guide by changing its size, the purpose of doing so is that when the size of the upgraded feature is increased in size the weight of the guide creates more force on the document that positioned on platen glass widow for having evenly distributed light directed on the document to be read, and therefore, a change in size is generally recognized as being with in the level of ordinary skill in the art.

As to claim 4, Mitomi (082) further teaches a method scanner (as shown in fig 1 and 2), except wherein said first upgrade features a nonstandard baffle color as viewed

Art Unit: 2625

by said camera. It would have been obvious matter of design choice to have a nonstandard color, since applicant has not disclosed that using a standard color solves any stated problem or is for any particular purpose and it appears that the invention would performs equally well with a removable guide 39 of fig 5, can be labeled by any color of choice.

As to claim 5, Mitomi (082) dose not teach or disclose wherein said first upgrade feature is a manifold for removing dust from the document.

Rapkin (6,657,754) in the same area of scanner and copiers including document feeding and transporting mechanism, teaches wherein said first upgrade feature is a manifold for removing dust from the document, (when the scanner is reset, a wiper bar 30 of fig 1 also rests on the scanner glass slit 2 of fig 1, by incorporating to document guide 30 shown in fig 1 and 3, for removing dust from glass platen, see col.1, paragraph 0014).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the imaging system of Mitomi (082) to include: first upgrade feature is a manifold for removing dust from the document.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified imaging system of Mitomi (082) by the teaching of Rapkin (754), the purpose of doing so is that for obtaining an image scanning device that includes a wiper bar or a paper dust cleaner device, to wipe or clean the scanning glass as the document move across the platen glass.

As to claim 6, Mitomi (082) further teaches, a scanner (as shown in fig 1 and 2) wherein said first upgrade feature is a manifold for maintaining said document in close contact with said image guide, (the removable document guide 39 of fig 6, rests on the scanner contact glass 41 of fig 6, by incorporating to document guide shown in fig 5 and 6, having an impact on the document to keep close contact on contact glass 41 of fig 6, col.5, lines 20-25).

As to claim 7, Mitomi (082) further teaches, a scanner (as shown in fig 1 and 2), comprising: a second image guide (49 of fig 5 and 6) located on a second side of said document incorporates a second upgrade feature (as shown in fig 5 and 6 the second image guide 49, positioned the second side of the document relative to scanner 40, facing contact glass 41, see col.6, lines 20-25).

As to claim 8, Mitomi (082) further teaches, a scanner (as shown in fig 1 and 2), wherein said first upgrade feature(guide 39 of fig 5 and 6) comprises a wiper part of said second image guide (second 49 of fig 5 and 6). Mitomi (082) dose not teach or disclose wherein said wiper forces said document in close contact with said first image guide.

Rapkin (6,657,754) in the same area of scanner and copiers including document feeding and transporting mechanism, teaches wherein said wiper forces said document in close contact with said first image guide (incorporating first upgrade feature [wiper]

with removable image guide, and when the scanner is reset, a wiper bar 30 of fig 1, also rests on the scanner glass slit 2 of fig 1, by incorporating to document guide shown in fig 1 and 3, wherein said wiper forces said document in close contact with at least contact glass, see paragraph 0014).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the imaging system of Mitomi (082) to include: wherein said wiper forces said document in close contact with said first image guide.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified imaging system of Mitomi (082) by the teaching of Rapkin (754), the purpose of doing so is that for obtaining an image scanning device that includes a wiper bar or a paper dust cleaner device, to wipe or clean the scanning glass as the document move across the platen glass.

As to claim 9, Mitomi (082) further teaches, a scanner (as shown in fig 1 and 2), wherein said first upgrade feature (guide 39 and 49 as show in fig 5 and 6).

However, Mitomi (082) fails to disclose selecting from a group comprised of a wiper, an additional thickness, a nonstandard color, or a manifold.

Rapkin (754) in the same area of scanner and copiers including document feeding and transporting mechanism, teaches selecting from a group comprised of a wiper, an additional thickness, a nonstandard color, or a manifold, (removable image guide, and when the scanner is reset, a wiper bar 30 of fig 1, also rests on the scanner

glass slit 2 of fig 1, by incorporating to document guide shown in fig 1 and 3, see paragraph 0014, also it is a designee choice to selecting the thickness, the nonstandard color or manifold, etc.,

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the imaging system of Mitomi (082) to include: selecting from a group comprised of a wiper, an additional thickness, a nonstandard color, or a manifold.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified imaging system of Mitomi (082) by the teaching of Rapkin (754), the purpose of doing so is that for obtaining an image scanning device that includes a wiper bar or a paper dust cleaner device, to wipe or clean the scanning glass as the document move across the platen glass.

As to claim 10, Mitomi (082) further teaches, a scanner (as shown in fig 1 and 2), scanner wherein said first removable guide incorporates a second upgrade feature (guide 39 and 49 as show in fig 5 and 6).

However, Miltomi (082) fails to disclose selecting from a group comprised of a wiper, an additional thickness, a nonstandard color, or a manifold. Rapkin (754) in the same area of scanner and copiers including document feeding and transporting mechanism, teaches a wiper, (removable image guide, and when the scanner is reset, a wiper bar 30 of fig 1, also rests on the scanner glass slit 2 of fig 1, by incorporating to document guide shown in fig 1 and 3, see paragraph 0014.

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the imaging system of Mitomi (082) to include: selecting a wiper.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified imaging system of Mitomi (082) by the teaching of Rapkin (754), the purpose of doing so is that for obtaining an image scanning device that includes a wiper bar or a paper dust cleaner device, to wipe or clean the scanning glass as the document move across the platen glass.

However, Mitomi (082) in view of Rapkin (754) still do not teach selecting from a group comprised selecting, an additional thickness, a nonstandard color, or a manifold. Since such a modification would have involved a mere change in the size of a component. It would have been an obvious matter of design choice to have additional thickness on the upgraded image guide by changing its size, color the purpose of doing so is that when the size of the upgraded feature is increased in size the weight of the guide creates more force on the document that positioned on platen glass widow for having evenly distributed light directed on the document to be read.

As to claim 11, Mitomi (082) further teaches, a scanner (as shown in fig 1 and 2), scanner wherein said first removable guide incorporates a second upgrade feature (guide 39 and 49 as show in fig 5 and 6), except for wherein said first upgrade features a nonstandard color. It would have been obvious matter of design choice to have a nonstandard color, since applicant has not disclosed that using a standard color solves

Art Unit: 2625

any stated problem or is for any particular purpose and it appears that the invention would performs equally well with a removable guide 39 of fig 5, can be labeled by any color of choice.

As to claim 12, Mitomi (082) further teaches, a scanner (as shown in fig 1 and 2), scanner wherein said first removable guide incorporates a second upgrade feature (guide 39 and 49 as show in fig 5 and 6), except for wherein said first upgrade features a black color band. It would have been obvious matter of design choice to have a black color band, since applicant has not disclosed that using a standard color solves any stated problem or is for any particular purpose and it appears that the invention would performs equally well with a removable guide 39 of fig 5, can be labeled by any color of choice.

With regard to claim 13, Mitomi (082) teaches a method (as shown in fig 1 and 2) comprising: a transport system for transporting a document through said scanner (automatic document feeder 2 as seen in fig 1 and 2, for moving the document to be read through a scanner 10 of fig 1); capturing and image of said document through an image guide (as the document transported below the image guide 39 as the image scanned capture the image by image scanner 10 of fig 2, as shown in fig 5 and 6, and discussed in col.5, lines 20-25); removing said image guide (removable guide 39 is being positioned on the side of the document to be read, as shown in fig 6); replacing said first image guide with a alternate image guide having a first upgrade

Art Unit: 2625

feature,(removable guide 39 is being positioned on the side of the document to be read, as shown in fig 6, and can be replaced when need to be replaces due to wear or malfunction).

Although Mitomi (082) shows removable image guide (as seen in fig 6 and 7), fails to teach incorporating first upgrade feature [wiper] with removable image guide.

Rapkin (6,657,754) in the same area of scanner and copiers including document feeding and transporting mechanism, teaches incorporating first upgrade feature [wiper] with removable image guide, (when the scanner is reset, a wiper bar 30 of fig 1 rests on the scanner glass slit 2 of fig 1, by incorporating to document guide shown in fig 1 and 3, see col.1, paragraph 0014).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the imaging system of Mitomi (082) to include: first upgrade feature [wiper] with removable image guide.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified imaging system of Mitomi (082) by the teaching of Rapkin (754), the purpose of doing so is that for obtaining an image scanning device that includes a wiper bar or a paper dust cleaner device, to wipe or clean the scanning glass as the document move across the platen glass.

As to claim 14, Mitomi (082) dose not teach or disclose a method wherein said first upgrade feature is a wiper.

Art Unit: 2625

Rapkin (6,657,754) in the same area of scanner and copiers including document feeding and transporting mechanism, teaches incorporating first upgrade feature [wiper] with removable image guide, (when the scanner is reset, a wiper bar 30 of fig 1 rests on the scanner glass slit 2 of fig 1, by incorporating to document guide shown in fig 1 and 3, see col.1, paragraph 0014).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the imaging system of Mitomi (082) to include: first upgrade feature is wiper.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified imaging system of Mitomi (082) by the teaching of Rapkin (754), the purpose of doing so is that for obtaining an image scanning device that includes a wiper bar or a paper dust cleaner device, to wipe or clean the scanning glass as the document move across the platen glass.

As to claim 15, Mitomi (082) further teaches a method (as shown in fig 1 and 2), wherein said first upgrade feature is an additional thickness of said first removable image guide (removable guide 39 and 49 as shown in fig 5 and 6, for maintaining said document in close contact with said first image guide col.6, lines 20-25).

As to claim 16, Mitomi (082) further teaches a method scanner (as shown in fig 1 and 2), except for wherein said first upgrade features a nonstandard color. It would have been obvious matter of design choice to have a nonstandard color, since applicant has

Art Unit: 2625

not disclosed that using a standard color solves any stated problem or is for any particular purpose and it appears that the invention would performs equally well with a removable guide 39 of fig 5, can be labeled by any color of choice.

As to claim 17, Mitomi (082) further teaches a method scanner (as shown in fig 1 and 2), except for wherein said first upgrade features is a manifold for removing dust from the document. It would have been obvious matter of design choice to have a manifold for removing dust, since applicant has not disclosed that using manifold solves any stated problem or is for any particular purpose and it appears that the invention would performs equally well with a removable guide 39 of fig 5.

Therefore, It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified imaging system of Mitomi (082), for the purpose of doing is that for obtaining an image scanning device that includes a wiper bar or a paper dust cleaner device, to wipe or clean the scanning glass as the document move across the platen glass.

As to claim 18, Mitomi (082) further teaches, a method (as shown in fig 1 and 2) wherein said first upgrade feature is a manifold for maintaining said document in close contact with said image guide, (the removable document guide 39 of fig 6, rests on the scanner contact glass 41 of fig 6, by incorporating to document guide shown in fig 5 and 6, having an impact on the document to keep close contact on contact glass 41 of fig 6, col.5, lines 20-25).

As to claim 19, Mitomi (082) further teaches, a method (as shown in fig 1 and 2), comprising: replacing a third image guide located on a second side of said document incorporates a second upgrade feature, (as shown in fig 5 and 6, since the second image guide 49 as shown in fig 5 and 6, can be positioned at second side of the document relative to scanner 40, facing contact glass 41, see col.6, lines 20-25, therefore, a replaceable third image guide can be designed by incorporating with second guide 49 of fig 5 and 6).

As to claim 20, Mitomi (082) further teaches, a method (as shown in fig 1 and 2), wherein said first upgrade feature comprises a wiper and wherein said wiper forces said document in close contact with said first image guide, (removable guide 39 and 49 as shown in fig 5 and 6, for maintaining said document in close contact with said first image guide col.6, lines 20-25).

Mitomi (082) does not teach or disclose wherein said first upgrade feature is a wiper.

Rapkin (6,657,754) in the same area of scanner and copiers including document feeding and transporting mechanism, teaches incorporating first upgrade feature [wiper] with removable image guide, (when the scanner is reset, a wiper bar 30 of fig 1 rests on the scanner glass slit 2 of fig 1, by incorporating to document guide shown in fig 1 and 3, see col.1, paragraph 0014).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the imaging system of Mitomi (082) to include: first upgrade feature [wiper] with removable image guide.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified imaging system of Mitomi (082) by the teaching of Rapkin (754), the purpose of doing so is that for obtaining an image scanning device that includes a wiper bar or a paper dust cleaner device, to wipe or clean the scanning glass as the document move across the platen glass.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Negussie Worku whose telephone number is 571-272-7472. The examiner can normally be reached on 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung Moe can be reached on 571-272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

Art Unit: 2625

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Negussie Worku
Examiner
Art Unit 2625

November 15, 2007